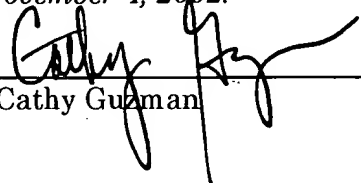




# 12 11/19/02 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 4, 2002.*

  
Cathy Guzman

Applicant : J. David Rozzell, Jr., et al.  
Application No. : 09/734,237  
Filed : December 8, 2000  
Title : SYNTHETIC GENES FOR ENHANCED  
EXPRESSION  
  
Grp./Div. : 1637  
Examiner : Young J. Kim  
  
Docket No. : 40608/KMO/B583

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
November 4, 2002

Commissioner:

In the Office action of October 3, 2002, the Examiner required restriction to one of two inventions, namely, Group I containing claims 1 to 49 directed to a synthetic nucleic acid and Group II containing claims 50 to 72 directed to a method of designing a synthetic polynucleotide. Applicant acknowledges the Examiner's requirement of restriction and hereby elects without traverse Group I claims (claims 1 to 49) for purposes of further prosecuting this patent application.

Additionally, the Examiner required restriction to one of six species. Applicant hereby elects without traverse Species 1 (oxidoreductase). The claims readable on this species are claims 1 to 15, 23 to 36 and 44 to 49.

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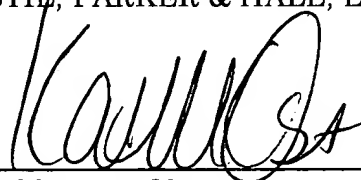
Application No. 09/734,237

Further, the Examiner required Applicant to elect for examination single disclosed sequences. Applicant hereby elects for the "second protein" SEQ. ID NO. 79, for the "first protein" SEQ. ID NO. 77, and for the oligonucleotide sequence SEQ. ID NO. 78.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

  
Kathleen M. Olster  
Reg. No. 42,052  
626/795-9900

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CLG PAS470886.1\*-11/4/02 10:36 AM